

# Exhibit D

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16 Attorneys for all Plaintiffs, individually and on  
17 behalf of all those similarly situated

18 **UNITED STATES DISTRICT COURT**

19 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

20 AARON SENNE, et al., Individually and on  
21 Behalf of All Those Similarly Situated;

22 Plaintiffs,

23 vs.

24 OFFICE OF THE COMMISSIONER OF  
BASEBALL, an unincorporated association  
doing business as MAJOR LEAGUE  
25 BASEBALL; et al.;

26 Defendants.

CASE NO. 3:14-cv-00608-JCS

**CLASS ACTION**

**PLAINTIFFS' FIRST REQUESTS  
FOR PRODUCTION OF DOCUMENTS  
TO OFFICE OF THE COMMISSIONER  
OF BASEBALL REGARDING VENUE**

Pursuant to Fed. R. Civ. P. 34, Plaintiffs hereby request that the Office of the Commissioner of Baseball produce the following documents in their possession, custody or control within thirty (30) days of the date of this Request:

### DEFINITIONS

1. The term “Communication” (or any variant thereof) means any contact between or among two or more Persons, including but not limited to written contact by means such as letters, memoranda, telegrams, telecopies, telexes, e-mail, instant message, or any other Document; the transmittal of information by any means; any oral contact such as face-to-face meetings or telephone conversations; and any writings memorializing such oral contact.

2. The term “Document” or “Documents” means any designated documents or electronically stored information—including writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations—stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form. Fed. R. Civ. P. 34(a)(1)(A).

3. The term “Identify” with respect to a natural person, shall require You to state the Person’s name, residential address, business addresses, title and scope of duties, if applicable.

4. The term “Identify” with respect to corporation, firm, company, sole proprietorship, partnership, joint venture, association, institute, or other business, legal or governmental entity or association shall require you to state its, state of incorporation, the address it maintains for its principal place of business, headquarters, and each of its offices.

5. The terms “High School,” “College” and “Junior College” shall have the same meanings as those ascribed to them in the Basic Agreement of the Major League Baseball Players Association (“Basic Agreement”).

6. The term “Person” means natural person, corporation, firm, company, sole proprietorship, partnership, joint venture, association, institute, or other business, legal or governmental entity or association, including any directors, officers, employees, agents, successors, predecessors, assignees, or representatives thereof.

7. As used herein “You” or “Your” means Office of the Commissioner of Baseball, including its agents, subsidiaries, related entities, affiliated companies, predecessors, successors,

1 assigns, officers, directors, partners, employees, representatives (in their individual or representative  
2 capacities), affiliates of any kind or nature, or any person or entity acting on its behalf.

3 8. Unless otherwise specified herein, the terms and phrases used in these Requests shall  
4 have the same meaning as applied to them when used in the Basic Agreement or the Major League  
5 Rules, as applicable, or their commonsense, dictionary meaning. If You contend that a term or phrase  
6 is vague or ambiguous You shall respond to the Request based on Your interpretation of the term or  
7 phrase and provide an description of Your understanding.

### 8 INSTRUCTIONS

9 1. All requests hereunder for the production of Documents require production of the  
10 requested Documents in full, without deletion, redaction, abbreviation, or expurgation.

11 2. All Documents should be produced in the order in which they appear in Your files,  
12 organized by source, and should contain a clear indication of where each Document ends and the next  
13 begins. Documents that are found in boxes, file folders, bindings, or other containers are to be left  
14 intact as kept. Documents maintained in a file folder or binding should be preceded by the file folder  
15 or binding label, if one exists, and should contain a clear indication of where the file folder or binding  
16 begins and ends. All attachments to a Document should be produced with the Document. Hard  
17 copy documents are to be electronically imaged consistent with the instructions in this paragraph. A  
18 unique control number should be affixed to each page.

19 3. If You are unable to comply with a demand for any document in full, You are  
20 requested to specify whether Your inability to comply is because the document has never existed, has  
21 been destroyed, cannot be processed fully due to file corruption or protection by an irretrievable  
22 password, has been lost, misplaced or stolen, and/or has never been, or is no longer in Your  
23 possession, custody, or control. The statement shall set forth the name and address of any person or  
24 organization known or believed by You to have possession, custody, or control of the document.

25 4. To the fullest extent, each request shall be deemed continuing so as to require further  
26 and supplemental production if You receive, discover, become aware of or create additional  
27 responsive documents subsequent to the date of Your response to these document requests.

28 5. If You object to or otherwise refuse to comply with any portion of a document  
request, please (i) state the objection or reason for such refusal, and (ii) provide all information called

1 for by that portion of the document request to which You do not object or which You do not decline  
2 to answer as follows:

- 3 a. If You object to a document request on the ground that to respond would  
4 constitute an undue burden, then You shall respond as fully as possible  
5 without undertaking such asserted undue burden; and
- 6 b. If You object to any portion of a document request on the ground that it is  
7 vague or indefinite, You shall set forth Your good faith understanding of  
8 the allegedly vague or indefinite term and shall then respond to the  
9 document request based upon that stated understanding

10 6. If You object to any portion of a document request on the ground that it is vague or  
11 indefinite, You shall set forth Your good faith understanding of the allegedly vague or indefinite term  
12 and shall then respond to the document request based upon that stated understanding. If any  
13 document requested herein is claimed to be privileged or otherwise withheld, in whole or in part, You  
14 must identify each document and provide the following information:

- 15 a. Identification of the person who created, wrote, or prepared the document  
16 and, if applicable, the person to whom the document (or copies of it) was  
17 sent;
- 18 b. Date on which the document was created, written, prepared, and/or  
19 transmitted;
- 20 c. Description of the nature of the document (e.g., letter, e-mail,  
21 memorandum);
- 22 d. Description of the subject matter of the document;
- 23 e. Number of pages the document contains; and
- 24 f. Whether the document is privileged or otherwise withheld, and why the  
document is privileged or withheld.

25 7. Each request for documents seeks production of all documents described along with  
26 any attachments, drafts, and non-identical copies in any language whatsoever, in the possession,  
27 custody, or control of You or Your respective agents or attorneys. You are specifically instructed to  
28

1 review any storage and archive facilities and the personal files, records, notes, correspondence, daily  
2 calendars, telephone logs, and records of all persons who would likely have responsive documents.

3 8. Unless otherwise noted, the time period for each request is January 1, 2008, to present.

4 **DOCUMENTS AND THINGS TO BE PRODUCED**

5 1. Documents sufficient to Identify any employee or person contracted by You  
6 (including but not limited to executives, scouts, or any other employees) who has:

- 7 a. lived in California,  
8 b. worked in California,  
9 c. traveled to California to perform work duties, or  
10 d. recruited any baseball player living in California or attending High School, College, or  
11 Junior College in California.

12 2. Documents sufficient to Identify any business trips taken to California by You or any  
13 employee or person contracted by You, and:

- 14 a. the reason for each trip,  
15 b. the dates and length of each trip,  
16 c. the person taking the trip.

17 3. Documents sufficient to show any revenue You generated per Revenue Sharing Year  
18 or calendar year based on any activity occurring in California, including licensing, merchandising,  
19 televised baseball games, ticket sales, the Base Plan (Article XXIV of the Basic Agreement), the  
20 Revenue Sharing Plan (Article XXIV of the Basic Agreement), the Supplemental Plan (Article XXIV  
21 of the Basic Agreement), or the Commissioner's Discretionary Fund (Article XXIV of the Basic  
22 Agreement), Major League Baseball Properties, Inc., or Major League Advanced Media.

23 4. Documents sufficient to show any Communications by the Major League Scouting  
24 Bureau (which is located in Ontario, California) or any employee of the Major League Scouting  
25 Bureau, concerning potential minor leaguers living in California.

26 5. Any business licenses issued to You by the State of California or any city, county, or  
27 municipality of the State of California, or any documents showing that You are or have been  
28 registered to do business in California.

Dated: July 9, 2014

Respectfully submitted,

/s/ Giuseppe S. Giardina

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of July, 2014, a true and accurate copy of the foregoing was served via electronic mail on the following:

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